

Konzolo wins contract case plea

Ex-NSSF boss to be tried alone in the suit over the award of tender

By MARK AGUTU

Former National Social Security Fund managing trustee Jos Konzolo yesterday won a plea to be tried alone in a Sh48.7 million contract award case.

A Nairobi anti-corruption court agreed with him that he be not enjoined with another person in the case over NSSF's award of an insurance contract to Hyman Robertson (K) Ltd.

Senior principal magistrate Margaret Wachira upheld Mr Konzolo's contention that the charges against him and Mr James Israel Olubayi fell under different laws, and that the two could not share one.

She ordered that Mr Konzolo's case

be heard from today and Mr Olubayi's on September 29.

Mr Konzolo is said to have awarded the contract to Hyman Robertson without tendering it, an act the State calls prejudicial to the pension organisation's rights.

The offence is said to have taken place on March 21, 2001, when he was the managing trustee.

A conflict of interests

In the suit against Mr Olubayi, the State alleges a conflict of interests by saying he participated in the NSSF proceedings in which a decision was made to ratify the appointment of Ms Alexander Forbes Financial Services (East Africa) — of which he was the managing

director — to provide insurance services to NSSF.

It is alleged that although he knew NSSF was ignorant of the matter, he did not disclose it.

The offence is said to have been committed in Nairobi on May 16, 2003.

Both have denied the charges and are out on bond.

The magistrate's ruling came in the wake of earlier arguments by Mr Konzolo's lawyers, Mr Antony Lubulellah and Mr Jinaro Kibet, and State counsel Joseph Gikonyo as to whether the charges against the two men should be put together.

Mr Gikonyo opened the arguments with an application to have the two men tried jointly, arguing that the transaction

from which the charges arose was the same. Trying the two together would therefore save the court's time by way of not only witnesses, but also the evidence in the form of statements and documents, he said.

No common charge

But Mr Lubulellah urged the court to reject the application, arguing that the suspects were not facing a common charge.

Mr Konzolo is charged under the Penal Code and Mr Olubayi the Anti-Corruption and Economic Crimes Act, he said, adding that the only common thing about the charges was that they were both brought by the Kenya Anti-Corruption Commission.

Traders avoiding ETRs cautioned

By NATION Correspondent

Traders are splitting up their businesses into smaller units to avoid installing electronic tax registers.

Yesterday, the Kenya Revenue Authority pledged to crack down on such business owners.

Central KRA regional manager Philip Odeny said that although only businesses with a turnover of Sh5 million and above were required to install the ETRs, the taxman would hunt down those trading in various locations.

He was speaking during a two-day exhibition of ETR at a Nyeri hotel. Mr Odeny said "politics" and lawsuits had hampered education on ETRs.

He was responding to fears expressed on competition from rivals not required to install the controversial ETRs.

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RE: 100% INTEREST WAIVER OF ALL LAND RATES/RENTS

The Municipal Council of Naivasha shall from 19th July 2006 waive 100% interest to all rateable properties within Naivasha Municipality.

All ratepayers are requested to pay up before the expiry of this generous offer, which extends for **90 days** only from the date of this notice.

The council officers shall visit the following peri-urban centers to assist ratepayers with payment of rates/rents.